

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re POLYURETHANE FOAM ANTITRUST LITIGATION)	MDL Docket No. 2196 Index No. 10-MD-2196(JZ)
)	
This document relates to:)	
)	
All Cases)	
)	

STIPULATION AND [PROPOSED] AMENDED JOINT SCHEDULING ORDER

It is hereby STIPULATED AND AGREED, by and among Direct Purchaser (Class) Plaintiffs, Indirect Purchaser (Class) Plaintiffs, Direct Action Non-Class Plaintiffs and the undersigned Defendants (collectively, the "Parties"), that the Amended Scheduling Order, ECF No. 354, be amended as set forth below. Should any aspect of this Stipulation and Proposed Amended Joint Scheduling Order vary from provisions contained in this Court's Local Rules, compliance with such Local Rule(s) is excused if so ordered by the Court. The parties shall meet and confer regarding additional deadlines (see Doc. 347) and shall jointly propose such additional deadlines to the Court, or identify for the Court any disputes with respect to those deadlines, by **March 14, 2013**.

1. The Parties' production of transactional data pursuant to this Court's September 15, 2011 Transactional Data Protocol Order shall be substantially complete by September 28, 2012. The Parties production of documents in response to Plaintiffs and Defendants Requests for Production of Documents pending as of August 1, 2012 shall be substantially complete by November 30, 2012. This paragraph is not applicable to those Defendants identified in the "Discovery Considerations" section of the Court's July 19, 2011 Order.

2. In light of the announced closure of the U.S. Department of Justice Antitrust Division's Cleveland Office in February 2013 and the corresponding directive that all pending investigations in that Office either be closed or transferred prior to that closure, *see* Exhibit 1, the Court will hold an in-person status conference in this case on **February 25, 2013**¹, to address the status of the Division's investigation, the continued impact, if any, of potential Fifth Amendment-related issues on discovery in this case, and the status of discovery. Unless otherwise agreed by the Parties or ordered by the Court, no depositions of Defendants or Defendants' current or former employees shall be taken in this case prior to the February 25, 2013 hearing, provided that even before February 25, 2013 (a) the Parties shall be entitled to take depositions for the purpose of addressing document or data production issues, and (b) any Party may advise any other Party of its intent to take a deposition of a witness that is an officer or employee, or otherwise within the control, of the other Party, with the goal of setting a mutually convenient date for that deposition between February 25, 2013 and June 4, 2014. To the extent a Party requests, by February 25, 2013, that a witness that is an officer or employee, or otherwise within the control, of another Party be made available for deposition between February 25, 2013 and June 4, 2013, the Party in control of the witness shall arrange for the witness to be available for deposition during that time period, absent any unexpected emergency circumstances (such as health problems) and subject to the limitations set by discovery protocols entered by the Court. Unless the Court orders otherwise or takes the issue under advisement at the February 25 hearing (in which case all subsequent dates set forth below shall be correspondingly adjusted, if the Court so approves), depositions may be conducted after the February 25, 2013 hearing. Discovery under this paragraph is subject to the Discovery Protocol (Dkt 241).

¹ Counsel for the Parties have conferred and are available on this date. Should the Court prefer that the conference take place on another date due to the Court's schedule, the Parties request that this date be after February 20, 2013, the currently scheduled closure date for the Cleveland office.

3. The Parties shall submit a joint proposal regarding page limitations on briefing for class certification motions and responses by **April 17, 2013**.

4. Plaintiffs shall file their respective motions for class certification and supporting memoranda and disclosures in support of class certification, and shall serve expert witness reports with supporting materials, data or information considered in forming the expert opinions by **June 4, 2013**.

5. Plaintiffs' class certification experts shall be deposed by **July 3, 2013**.

6. Defendants shall file their respective oppositions to Plaintiffs' motions for class certification with supporting memoranda and disclosures, and shall serve expert witness reports with supporting materials, data and information considered in forming the expert opinions by **August 22, 2013**.

7. Defendants' class certification experts shall be deposed by **October 2, 2013**.

8. Plaintiffs shall file their respective replies in support of class certification and shall serve expert reports with supporting materials, data and information considered in forming the expert rebuttal opinions by **October 16, 2013**.

9. Rebuttal experts shall be strictly limited to responding to new matters raised in the reports or depositions of Defendants' experts. Plaintiffs' class certification rebuttal experts shall be deposed by **November 13, 2013**.

10. Motions to compel fact discovery shall be filed by **November 14, 2013**, and fact discovery shall be completed by **December 19, 2013**.

11. Hearing on motions for class certification shall be held in **January 2014** with a specific date set by this Court several months prior to the hearing.

IT IS SO ORDERED.

JACK ZOUHARY
U.S. DISTRICT JUDGE

, 2012

Dated: August 10, 2012

Respectfully submitted,

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